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House Bill No. 187.

AN ACT creating a department of highways and relating to roads and highways, repealing chapter 105, of the Session Laws of 1910-11, and section 7581, of the Revised Laws of Oklahoma, 1910.

Be It Enacted By the People of the State of Oklahoma:

Department of Highways.

Section 1. Article 1. The Department of Highways is hereby created and shall be located at the state capitol and properly furnished and provided for by the State Board of Public Affairs.

Commissioner of Highways.

Section 2. The Department of Highways shall be in charge of one commissioner, to be known as the Commissioner of Highways. Said Commissioner shall be appointed by the Governor, by and with the advice and consent of the State Senate, and shall serve during the pleasure of the Governor. Said Commissioner shall be a practical road builder and of recognized executive ability, and shall take and subscribe to the oath of office prescribed by law. He shall procure a seal of office and shall have power to administer oath to any person when necessary in the discharge of his duty.

Duties of Commissioner.

Section 3. The duties of the Commissioner of Highways shall be:

First. To have the supervision of all matters relating to state roads and highways; to prepare standard plans and specifications for the construction of roads and bridges and furnish same without cost to any road official in the state; to inspect and report upon any plans or specifications for highway construction if requested to do so by any road official; to collect information and compile statistics relative

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to the mileage, character, conditions, and cost of construction and maintenance of the highways of the state; to investigate and determine the methods of road construction best adapted to the various sections of the state; and to establish standards for the construction and maintenance of highways and bridges in the various counties giving due regard to the topography, natural conditions, character and availability of good road building material. The commissioner may at all reasonable times, be consulted by county or township officers having authority over highways and bridges, relative to any question involving such highways and bridges; and the commissioner may in like manner call on such county or township officials for any information or assistance they may render in the performance of their duty, sanitation and other public improvements as may be requested.

Second. To furnish such engineering service in drainage, sanitation and other public improvements as may be required by any department of the state, including the passing upon prospects and plans for municipal water supplies when requested by any municipality; provided, the actual and necessary expenses of any such examination or the expense connected with any work away from the seat of government shall be borne and paid by the municipality, county, township, or persons making the request and receiving the benefits of the investigation.

Third. To furnish engineering advice and report upon such matters as, in the judgment of the commissioner, shall be of value to the people.

Fourth. To keep a complete and systematic record of all acts of the Department of Highways and to annually report the same to the Governor by the first day of December, which report shall be at the option of the Governor, printed as a public document.

Fifth. To co-operate with the federal government in all matters pertaining to the improvement of public highways; and all funds provided by Congress and appropriated

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for the improvement of the public highways in this state, shall be expended under the supervision of the Commissioner of Highways.

State Engineer—Assistants—Qualifications.

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Section 4. The Commissioner of Highways with the consent of the Governor is hereby authorized to appoint a State Engineer, who shall be a civil engineer of established reputation, and qualified in road and bridge construction, hydraulic and sanitary engineering, and irrigation and drainage and who shall perform all the duties assigned to the State Engineer under irrigation laws of this state and as provided in chapter 40, of the Revised Laws of Oklahoma. Said Commissioner with the consent of the Governor may appoint an assistant State Engineer, who shall be a competent draughtsman and one stenographer, who shall be secretary to the Commissioner, which said positions are hereby created.

Salaries.

Section 5. The salary of the Commissioner of Highways shall be twenty-four hundred dollars (\$2,400.00) per annum, payable monthly; the salary of the State Engineer shall be twenty-one hundred dollars (\$2,100.00) per annum, payable monthly; the salary of the assistant State Engineer shall be fifteen hundred dollars, (\$1,500.00) per annum, payable monthly; and the salary of the stenographer shall be one thousand dollars (\$1,000.00) per annum; payable monthly. The salaries and expenses of said Department of Highways shall be paid upon vouchers itemized and sworn to against appropriations made therefor as provided by law.

Repeal—Records of Former Office.

Section 6. Chapter 105, of the Session Laws of Oklahoma, 1910-11, is hereby repealed. All material collected, plans, specifications, equipment, reports, files and data in the office of the Department of Highways, as now constituted, and the Secretary of the Board of Agriculture, procured under authority of law, relating to highways, irriga-

tion and drainage shall forthwith be turned over to the Department of Highways herein created.

ARTICLE II.

COUNTY AND TOWNSHIP ORGANIZATION.

County Engineer—Qualifications—County Surveyor—County and State Roads.

Section 1. The Board of County Commissioners of each county, as soon as practicable, shall employ a competent engineer to be known as the county engineer, whose tenure of office may be terminated by the board of county commissioners, who shall perform the duties as hereinafter provided. Said county engineer shall receive the same compensation now fixed by law for county surveyors, and all services performed as county engineer under the provisions of this act, and all actual and necessary expenses incident thereto, shall be paid out of the state road construction fund. The county engineer shall give bond for the faithful performance of his duties in a sum not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00), said amount to be fixed by the board of county commissioners; provided, that the regularly elected, qualified and acting county surveyor of each county shall be designated as the county engineer of such county; provided, such county surveyor shall pass an examination to be held by the Department of Highways and secure from said department a certificate of competency to perform the duties of said office of county engineer.

Should any county surveyor fail to take such examination, or taking same shall fail to secure the said certificate within ninety days from the taking effect of this act, the said board of county commissioners is hereby authorized to designate and commission some competent person possessing such certificate to act as county engineer for any such county; provided, that any person appointed county engineer may be removed or relieved from that office and

its duties by the board of county commissioners at any time for incompetency or gross neglect of duty; and provided, further, that nothing in this act shall be construed to prevent one person from serving as county engineer, for two or more counties in the state. The county engineer shall have a practical knowledge of civil engineering and shall be skilled in bridge, culvert and road building and in laying of drains and in general road work, and he shall be active and diligent in the discharge of his duties. No person shall be eligible to qualify for the office of county engineer, who is not a graduate of some reputable institution of learning in which he shall have received regular instruction in civil engineering or unless he holds a certificate of proficiency from the Department of Highways of this or some other state. At the time of employing such engineer, or as soon thereafter as practicable, the board of county commissioners shall designate and select for improvement as provided herein from the highways of the county not less than ten per cent nor more than fifteen per cent of the total mileage, same to be the main traveled roads of the county, and which must connect the principal market places of the county, as well as connect with the state roads in adjoining counties, such roads to be designated as state roads. The system of road construction herein provided for, shall apply only to highways outside of the limits of cities and towns, while the system of bridge and culvert work herein provided for shall apply to all highways throughout the county outside of the limits of cities of the first class. Such highways so designated for improvement under the supervision of the board of county commissioners shall hereinafter be known as the state road system. In uninhabited or sparsely settled parts of counties roads may be designated, constructed, and maintained as state roads, if such road is convenient and necessary for a market road; provided, that no such road shall be so designated if it is less than six miles from another state road which is substantially parallel to it.

Road Maps.

Section 2. As soon as said state roads are so designated, the board of county commissioners shall cause said state roads to be plainly marked on a map. Said map, after being so marked, shall be deposited with the county clerk and shall be open to public inspection, and a copy thereof shall be furnished the Department of Highways.

State Highway—Designation.

Section 3. The Department of Highways shall, upon receipt of said maps, petitions and plats proceed to examine the same, with a view of determining the correct lines to be followed by the State Highway, having regard for volume of traffic, continuity and cost of construction; provided, that before any change in any map submitted shall be made the commissioners of highway shall first make a personal inspection of the road involved in any such change. Such portions of said map as meet with the approval of said department, may be approved and returned as a preliminary map for immediate use, and the original map, when completed in accordance with the decisions of said department (which decisions shall be final), shall be returned to the county clerk as soon as practicable and a copy of same retained in the office of the said department.

Neglect of County—State May Act.

Section 4. Should any, county fail to make the designation of state roads as herein provided, and fail to forward a copy of the record of the same to the Department of Highways within the time herein provided, said department shall have the power to make a proper designation of said state roads for said county, and the designation so made shall be final and of the same force and effect as if made by the board of county commissioners, and when so made by the department, said department shall certify to the county clerk of said county the actual cost of making said designation, and the county clerk shall thereupon issue warrant on the state road fund therefor.

Surveys and Specifications—Records—Material—Funds

Section 5. As soon as any part of said map is complet-

ed, showing the final designation of state roads, the engineer shall in writing, divide said roads into sections, designating each section by some appropriate number, name or letter and clearly designating the starting point and terminus of each such section, and such designation shall be recorded at length in a state road book, whereupon the engineer under the direction of the board of county commissioners shall proceed to survey said roads and report to the board of county commissioners, the plan for the road, bridge, tile and culvert work thereon. Such survey and report shall be on the basis and with the object in view of the permanent improvement of said state roads, both as to bridge, culvert, tile and road work. Said survey and report shall consist of an accurate plan and profile of said roads, showing cuts and fills and outline of grades, with careful attention to surface and lateral drainage and sub-drainage, and shall show the location of all lines of tile and the size thereof and of all bridges and culverts, their length, height, width and foundation soundings, and an estimate of the watershed relating to each bridge and culvert.

All bridges and culverts built in the state, county or township road system shall be of permanent construction. Permanent construction of bridges as used herein, is defined to mean: First, stone; second, reinforced concrete; third, steel with stone or concrete abutments and piers and wood or reinforced concrete floors; provided, that upon approval of the Department of Highways, floors of other suitable material may be substituted on bridges and other durable material approved by the department may be used in culverts of less than thirty-six (36) square feet opening. Permanent construction of culverts is defined to mean stone, concrete, or such other material as may be approved by the Department of Highways and of sufficient strength to meet the leading requirements of this act. The term "bridges" as used in this act shall be taken to mean openings of ten feet span or more; "culverts" shall be the term applied to openings of less than ten feet. Bridges and culverts con-

structed under the provisions of this act shall have a clear roadway of not less than sixteen (16) feet.

Proper bench marks shall be established on each permanent bridge and culvert, which shall be duly recorded on both profile and plan of road, for future reference.

The engineer shall clearly designate and credit on said plan and profile, all existing permanent bridges, culverts and grades.

The board of county commissioners may cause all sections to be fully surveyed and a report made thereon before proceeding with the improvement contemplated by this act, or in order to enable the board to proceed with the most necessary and urgent work, said board may designate the order in which the different sections shall be surveyed and planned, and may order the engineer to survey and report on certain named sections before completing the survey and report on all sections.

Whenever it may become necessary in grading the highways to make a cut which will disturb or destroy, or a fill which will cover up, a government or other established corner, it shall be the duty of the engineer to establish permanent witness corners and make a record of the same, which shall show the distance and direction of the witness corner from the corner disturbed or covered up.

A failure to perform this duty, shall subject the engineer to a fine of not less than ten dollars nor more than fifty dollars, to be collected on his bond.

The board of county commissioners may improve the state roads, as provided herein, either by contract or volunteer subscription, convict, or other day labor, or by force account.

Surveys—Bridge Designs—Payment of Moneys.

Section 6. The survey and report of each section, as soon as completed and approved by the board of county commissioners shall be submitted to the Department of High-

ways, and the board of county commissioners may designate to the said department which sections, in their estimation should be first passed upon by said Department of Highways.

Every new truss bridge on a state road hereinafter built, shall be designed and constructed so that the truss will carry with ample factor of safety a live load not less than 1000 pounds per lineal foot with a floor system not less than 100 pounds per square foot, all other bridges and culverts to carry with ample factor of safety a load equal to 20 tons with the weight distributed as in a traction engine.

All moneys received by the Board of County Commissioners for road and bridge purposes shall be paid out only on order of said board, for the purchase of tools, machinery and equipment, or for work done on the state road system, or for tile and tiling, or for bridges and culverts throughout the county.

All moneys received by the township board for road purposes shall be expended for and upon the township road system.

State System—Additional Roads—Bills Allowed—Engineers Approval.

Section 7. Whenever all the roads of the state road system have been improved, according to the plans as herein provided, the board of county commissioners shall add such roads from the township road system as have been improved by the township in accordance with the general plans and specifications furnished by the engineer and in accordance with the requirements of this act, and if the township roads so improved be not sufficient to use all county funds available for that purpose, the board of county commissioners may select additional state roads, following the same proceedings in all regards as herein provided for the original selection and improvement of state roads, but no increase shall be made in the mileage of the state road system until that system is completed.

All bills for road work, tile and tiling, culvert and

bridge construction, or for repairs designated by the engineer, shall be filed in itemized form and certified to by the engineer, before being allowed by the board and before warrants in payment therefor are drawn by the county clerk. Partial estimates may be allowed by the board on contract work on the basis of the engineers certified estimates and the per centages specified in the standard specifications of the Department of Highways. Repair work shall be known as work not designated by the Highway Engineer, work of a temporary character or of an immediate necessity, and work necessary to maintain finished roads completed under this act. A violation of this section shall render the county clerk liable on his bond for the amount of said warrant.

Contracts—Bids—Advertising.

Section 8. All culverts and bridges constructed, tile and tiling and repair work or material therefor, of which the engineers estimated cost shall be two hundred (\$200.00) dollars or less, may be advertised and let at a public letting, at a cost not to exceed the engineers estimate, or may be built by day labor or by force account. Provided, that where there is a necessity for its use on the road, and it can be bought at an advantage in carload lots, nothing in this section shall be construed to prevent the purchase, without advertisement, in carload lots, of crushed rock, gravel, sand, cement, steel, lumber, or other materials for use on said roads. All culverts and bridge construction tile and tiling and repair work, or materials therefor, of which the engineers estimated cost shall exceed two hundred (\$200) dollars, shall be advertised and let at public letting to the lowest and best bidder; provided, that the board shall have the power to reject all bids, in which event they may re-advertise or build by day labor, at a cost not to exceed the lowest bid received. All bids received shall be publicly opened at the time and place specified in the advertisement, and shall be recorded in detail in a book kept for that purpose by the county clerk; said book shall at all times be open to the public for inspection. Before beginning the construction of any bridge or culvert by day labor, or by contract, the plans, specifications

estimates of drainage, area, estimate of cost, and their specific location, shall be filed in the county clerk's office by the engineer. On completion, a detailed statement of cost and of any additions or alterations to the plans shall be added to the above records by the engineer, all of which shall be retained in the county clerk's office as permanent records. The board of county commissioners may authorize the county clerk to draw warrants for the amount of pay rolls for labor furnished under the day labor system, when said pay rolls are certified to as correct by the engineer in charge of the work. Said bills shall be passed upon by the board at the first meeting following said payment.

Bridge Contracts—Preliminary Action

Section 9. It is hereby made the duty of the board of county commissioners, whenever they shall determine to construct a permanent bridge or culvert, the engineers estimated cost of which exceeds the sum of five hundred (\$500.00) dollars, to adopt a resolution of necessity, containing substantially the following matters, to-wit:

First: The location of such bridge or culvert, which location shall be so plainly pointed out that the same can easily be determined.

Second: The material of which such bridge or culvert is to be constructed.

Third: The approximate width of the roadway and depth of fill, if any, over the crown or floor of said bridge or culvert.

Fourth: The approximate length of span or arch of said bridge or culvert.

Fifth: The approximate area of the water shed to be drained through said bridge or culvert.

Sixth: The estimated cost of said bridge or culvert.

Township Roads—Dragging—Tax.

Section 10. At every February meeting, or as soon thereafter as possible, the township board of each town-

ship shall select from its township road system the roads to be dragged for one year, to be known as dragable roads, and shall employ a superintendent of the township road system, who shall give bond for the faithful performance of his duties in such sum as said board may direct. Said superintendent shall have general supervision of all dragging, and repair work on the township road system, whose term of office and compensation shall be at the discretion of the township board. He shall see that the approaches to all bridges on the said roads are maintained in such manner as to present smooth and uniform surfaces and shall keep the openings to all culverts and ditches free from weeds, brush and other material that will in any manner prevent the free discharge of surface water. He shall have charge of all dragable roads of the township road system and shall make contracts for dragging, and shall see that all dragable roads of the township road system are properly dragged at such times as are necessary to maintain such roads in a smooth condition, at such price as is reasonable and necessary to secure such contracts.

For this purpose there shall be expended, under the direction of the township board, through the road superintendent, upon the township road system not more than two mill drag tax herein authorized to be levied.

The township board shall not allow any bills for dragging, maintenance or repair work, nor shall warrants in payment therefor be drawn by the township clerk upon funds of the township road system until itemized bills therefor shall have been certified to by the township road superintendent. A violation of this section shall render the township clerk liable on his bond for the amount of said warrant.

The compensation of such superintendent for all duties, including any dragging actually performed by him, and the cost of all equipment for dragging shall be paid for out of the township road funds.

He shall at least once each year, or on demand, furnish

the township board a report of all work done under and by him.

County Engineer to Survey Township Raods.

Section 11. Before beginning any work upon the township road system, other than hereinbefore described, as repair work, the township board may make application to the board of county commissioners, who shall furnish them with an engineer, to be paid out of the county fund who shall survey and lay off such roads, according to the plans and specifications as hereinbefore provided for state road system, and the work shall be done in accordance therewith.

Repair of State Roads—County to Maintain.

Section 12. The board of county commissioners and the county engineer are charged with the duty of such repairing and dragging of the state road system as is required to keep the same in proper condition, and shall adopt such methods as are necessary to maintain continuously, in the best condition practicable, the entire mileage of this system.

No member of the department of highways, their deputies or assistants, or any other person in the employ of the department, no county commissioner, member of a township board, county engineer, road superintendent, or any person in their employ, or one holding an appointment under them, shall be either directly or indirectly interested in any contract for the construction or building of any bridge or culvert, or of any improvement of any road or parts of road coming under the provisions of this act.

Township Clerk's Report—County Engineer's Report.

Section 13. Not later than the first Monday in May, or at any time upon demand of the township board, the township clerk shall report the work accomplished on the township road system in his township, and said township board shall, as nearly as practicable, recommend what is to be done upon the township road system for the succeeding year. A duplicate report of the work accomplished shall be filed by the clerk with the county clerk and the county en-

gineer, as nearly as practicable, shall credit the same on the township road system on the county road map. It shall also be the duty of the engineer to make a written report to the board of county commissioners of the work accomplished upon the roads for the current year, which report shall show what roads of the state and township system have been completed or partially completed, and credit to such roads shall be shown on the state road plan not later than May 15th, and a copy of said report shall be immediately forwarded to the Department of Highways upon standard printed forms.

It shall also be the duty of the engineer to make a written report to the board of county commissioners of the work accomplished upon the roads for the current year, which report shall show what roads of the state and township system have been completed or partially completed, and credit to such roads shall be shown on the state road plan not later than May 15th, and a copy of said report shall be immediately forwarded to the Department of Highways upon standard printed forms.

All forms and blanks necessary to secure uniformity of records and reports in the systems herein provided shall be furnished by the Department of Highways. In all counties wherein township organization has been abolished, the board of county commissioenrs shall act as township board in each township of any said county to carry out the provisions of this act.

Obstructions—Removal—Notice.

Section 14. County and township boards, charged with the duty of improving public highways, shall have power to remove all obstructions in the highways under their jurisdiction, but fences and poles used for telephones, telegraph, or other transmission purposes shall not be removed until notice, in writing, of not less than ten days has been given to the owner, occupant, or agent of the land enclosed in part by such fence, or to the owner or company operator of any such telephone, telegraph or transmission line

may be served or any agent or officer of such line, and all such fences and poles shall, within the time designated by the engineer, be removed, and if not removed by the date xed in such notice, same may be forthwith removed by the proper officials. Any new lines or parts of lines hereafter constructed, shall be located by the engineer, and shall be removable according to the provisions of this section. The notices of removal may designate to which side of the highway the said poles shall be removed. Any removal made in compliance with this section shall be at the expense of the owners thereof, without liability on the part of any officer ordering or effecting the removal.

Bond of Contractor.

Section 15. The board of county commissioners shall require all contractors to give bond, for the faithful performance of the contract, in such sum as the board may deem necessary. The surety on any bond to guarantee the faithful performance and execution of any work shall be deemed and held, any contract to the contrary notwithstanding, to consent without notice: First, to any extention of time to the contractor in which to perform the contract when each particular extension does not exceed sixty days.

Second: To any change in the plans, specifications or contract when such change does not involve an increase of more than twenty per cent of the total contract price, and shall then be released only as to such excess increase.

Selection of County Roads—Procedure.

Section 16. The procedure herein provided for the designation and selection of county roads by the board of county commissioners, shall exclude all other procedure; and the decision of the board of county commissioners in the designation and selection of the state road system shall be final.

Violation of Terms of This Act—Penalty.

Section 17. Any road, township, county, or other official charged with duties herein who shall violate any of the terms or provisions of this act shall be deemed guilty of a

misdemeanor, and upon conviction shall be fined not less than one hundred dollars for each offense, or imprisoned in the county jail not less than thirty days, or suffer both such fine and imprisonment. Upon presentation in court or complaint in legal form, alleging violation of any of the provisions of this act any road official charged with the duties herein shall be, at the option of the court, immediately suspended from office pending final judgment, and upon being found guilty shall forfeit his office in addition to any punishment imposed.

ARTICLE III.

FINANCES.

Tax for Highways—County Funds.

Section 1. There is hereby levied annually an ad valorem tax of one-fourth of one mill upon all property in this state which may be subject to taxation upon such basis; said tax so levied to be collected as other state taxes and when collected to be *covered* into the State's official depository and there credited to an account that shall be styled and known as the state highway construction fund. All moneys accruing in said account shall be deemed and construed to be a special fund held in trust for the use, as in this act provided, of the several counties in which the same shall be collected, and shall in no event be construed to be a fund of the state or a fund under its management. Each county's share therein shall be the amount paid in by said county. It shall be the duty of the State Board of Equalization to include said levy herein made in their total annual levy and to make proper return thereof to the respective counties of the state, and to collect same as provided by law for the collection of other taxes. It shall be the duty of the State Treasurer to give each county proper credit for all money paid into the state highway construction fund and to keep proper record and accounts of all money paid to the respective counties from said fund as provided in this act.

County Road Tax.

Section 2. The county excise board in each county in the state is hereby authorized, at the option of said board to make a levy of one-fourth of one mill upon all property in any said county subject to taxation upon an ad valorem basis; said levy when made and collected shall be covered into a county road construction fund, and shall be used for the construction and maintenance of county highways under the supervision of the board of county commissioners as provided in this act; provided, that in order to carry into effect the provisions of this act, the county excise board may levy for current expenses of said county not to exceed eight (8) mills.

State Highway Fund—How Counties May Secure.

Section 3. All counties in the state making a levy for any year of one-fourth of one mill tax upon all taxable property as provided in the preceding section, and having otherwise complied with the provisions of this act, as to submitting and having plans approved, shall be entitled to receive from the state highway construction fund all money in said fund to the credit of the county making the said levy. Application for aid from said state highway construction fund shall be made to the Department of Highways, and shall show that plans have been made and approved as provided herein, and the county levy to have been made by the county making the application and when approved by the Department of Highways, the Commissioner of Highways shall draw a voucher on the state depository, payable to the county treasurer, for such amount as may be therein to the credit of the county making such application, and it shall be the duty of the State Treasurer, as the officer in charge of such state depository to honor such voucher and to pay said amount mentioned in such voucher to said county; provided, that said funds shall be expended by the respective boards of county commissioners under the supervision of said Department of Highways.

ARTICLE IV.

MOTOR VEHICLE REGISTRATION.

Registration of Motor Vehicles—Application.

Section 1. Every owner of a motor vehicle which shall be operated or driven upon the public highways of this state, shall for each motor vehicle owned, except as herein otherwise expressly provided, cause to be filed, by mail or otherwise, in the office of the Department of Highways or with its agent, a verified application for registration on a blank, to be furnished by the said department for that purpose, containing: (a) a brief description of the motor vehicle to be registered, including the name of the manufacturer, the type and factory number of such vehicle, the character of the motor power, and the amount of such power, stated in figures of horsepower as advertised by the manufacturer; (b) the name of the county in which he resides; provided, that motor vehicle shall be construed to mean any automobile, motor truck, motor vehicle, or traction engine.

Certificate and Number of Registration—Renewals.

Section 2. Upon the filing of such application and the payment of the fee provided in this article, the Department of Highways shall assign to such motor vehicle a distinctive number and without expense to the applicant, issue and deliver to the owner a certificate of registration and a number plate in the form and size provided, and in the event of the loss, mutilation or destruction of a certificate of registration or number plate, the owner of a registered motor vehicle may obtain from the said department a duplicate thereof, upon filing in said office an affidavit showing the fact and the payment of a fee of fifty cents for each duplicate. Such registration shall be renewed annually in the same manner and upon the payment of the same fee as provided for original registration, such renewal to take effect on the first day of January of each year.

Fees for Registration.

Section 3. The following fees shall be paid to the Department of Highways upon the registration of a motor ve-

hicle, in accordance with the provisions of this article; fifty cents per horse power, to be figured by the A. L. and A. M. rating; provided, that after a motor vehicle has been taxed one year as provided herein, the tax to be levied and paid thereon for the second year shall be forty cents per horse power; for the third year, thirty cents per horse power, and for each year thereafter, said tax shall be twenty cents per horse power. The provisions hereof with respect to the payment of registration fees shall not apply to motor vehicles owned or controlled by the United States of America, or by the state, or a city, or a county, or any department thereof, but in other respects shall be applicable. The registration fees imposed by this article upon motor vehicles, other than those of manufacturers and dealers, shall be in lieu of all taxes, general or local, to which motor vehicles may be subject as personal property under the laws of this state; provided, that steam and gas tractors shall be rated per horsepower on the draw bar pull manufactures rating.

Use of New Vehicle Pending Registration.

Section 4. Upon the sale of a motor vehicle by a manufacturer or dealer, which has been registered by the manufacturer or dealer under this article, the vendee shall be allowed to operate the same upon the public highways for a period of fifteen days after taking possession thereof, or until he shall have received his certificate of registration and number plate from the Department of Highways; provided, that during such period the motor vehicle shall have attached thereto, in accordance with the provisions hereof two cards, one placed thereon by the vendee, showing the date of sale and one showing the date application was made for registration; and provided further, that application for registration shall be made by mail or otherwise before such vehicle shall be so used.

Number Tags—Requirements

Section 5. No person shall operate or drive a motor vehicle on the public highways of this state unless such vehicle shall have the distinctive number assigned to it by the Department of Highways conspicuously displayed on the

rear of such vehicle, securely fastened so as to prevent the same from swinging. No person shall display on such vehicle at the same time any number assigned to it under any other motor vehicle law. Such number plates shall be of a distinctively different color or shade each year, and there shall be at all times a marked contrast between the color of the number plates and that of the numerals or letters thereon. Such number plates shall be of metal at least six inches wide and not less than twelve inches in length, in the upper left hand corner of which there shall be the initials of this state, and to the right of which initials there shall be the distinctive number assigned to the vehicle, set forth in numerals four inches long, each stroke of which shall be at least five-eighths of an inch in width; also the year; provided, that in the case of a motor vehicle registered by a manufacturer or dealer, there shall be on such plate or placard, in addition to the foregoing, the letter "m", the same to be placed at the right of the distinctive number, each stroke of such letter to be at least three inches long and one-half an inch in width. No number plates shall be used other than those furnished by the Department of Highways. Any person owning a motor vehicle and failing or refusing to comply with the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than fifty dollars nor more than one hundred dollars.

Manufacturer or Dealer's Registration Numbers.

Section 6. Every person, firm, association or corporation manufacturing or dealing in motor vehicles may, instead of registering each motor vehicle so manufactured or dealt in, make a verified application upon a blank to be furnished by the Department of Highways for a general distinctive number for all the motor vehicles owned or controlled by such manufacturer or dealer, such application to contain: (a) a brief description of each style or type of motor vehicle manufactured or dealt in by such manufacturer or dealer, including the character of the motor power, and the amount of such motor power, stated in fig-

ures of the horsepower; and (b) the name, residence and business address of such manufacturer or dealer. On payment of a registration fee of fifteen dollars, such application shall be filed and registered in the office of the said department in the manner provided in this article. There shall thereupon be assigned and issued to such manufacturer or dealer a general distinctive number and duplicate certificate of registration and two number plates, in the same manner and form as provided in this article for general registration, which shall be carried or displayed by every motor vehicle of such manufacturer, or dealer so registered when the same is operated or driven on the public highways, in the same manner as hereinbefore provided in this article. No unnumbered plates shall be used except those issued by the said Department of Highways. Such manufacturer or dealer may obtain as many duplicates of such registration as may be desired upon payment to said department of one dollar for each duplicate. Nothing in this subdivision shall be construed to apply to a motor vehicle operated by a manufacturer or dealer for private use or for hire. Such registration shall be renewed annually in the same manner and on the payment of the same fee as provided in this article for original registration, such renewal to take effect on the first day of January of each year.

Motors Owned by Nonresidents—Provisions for Numbering

Section 7. The provisions of the foregoing section relative to registration and display of registration numbers, shall not apply to a motor vehicle owned by a non-resident of this state, other than a foreign corporation doing business in this state; provided, that the owner thereof shall have complied with the provisions of the law of the foreign country, state, territory, or federal district of his residence relative to motor vehicles and the operation thereof, and shall conspicuously display his registration number as required thereby; and provided, that the provisions of this article shall be operative as to a motor vehicle owned by a non-resident of this state, only to the extent that under the laws of the foreign country, state, territory or fed-

eral district of his residence, like exemptions and privileges are granted to motor vehicles, duly registered under the laws, owned by residents of this state.

City Tax Prohibited.

Section 8. Subject to the express provisions of this article, local authorities shall have no power to pass, enforce or maintain any ordinance, rule or regulation requiring from any owner to whom this article is applicable any tax, fee, license or permit for the free use of the public highways, or excluding or prohibiting any motor vehicle registered in compliance with this article from the free use of the public highways or the accessories used thereon, and no ordinance, rule or regulation in any way contrary to or inconsistent with the provisions of this article, now in force or hereafter enacted, shall have any force or effect; provided, that the powers given to local authorities in cities of the first class to enact general rules and ordinances applicable equally to all vehicles and users of the highway, to bring about the orderly passage of vehicles upon certain streets in such cities, where the traffic is heavy and continuous, and the powers given to local authorities to regulate vehicles offered to the public for hire or for processions, assemblages or parades in the streets or public places shall remain in full force and effect; and provided further, that local authorities may set aside a specified public highway or highways for speed contests or races to be given under proper restrictions for the safety of the public; and provided further, that local authorities may exclude by ordinance or regulation motor trucks and motor vehicles used exclusively for commercial purposes, from the parks and parkways of this state, provided such ordinance or regulation is applicable equally and generally to all other vehicles used to the same purpose; and provided further, that local authorities may exclude motor vehicles from any cemetery or ground used for the burial of the dead; and provided further, that cities and towns may regulate the speed of motor vehicles.

False Statements—Punishment.

Section 9. Any person making a false statement in a verified application for registration shall be guilty of a misdemeanor punishable by a fine of not exceeding fifty dollars, and any person violating any of the provisions of any section of this article, for which violation no punishment has been specified, shall be guilty of a misdemeanor punishable by a fine of not exceeding twenty-five dollars.

Section 10. All fines, penalties or forfeitures collected for violation of any of the provisions of this article, or of any act in relation to the use of the public highways by motor vehicles now in force or hereafter enacted, under the sentence or judgment of any court, judge, magistrate or other judicial officer, within ten days after receipt thereof shall be paid to the treasurer of the county, to be by said treasurer placed to the credit of the state road maintenance fund.

Moneys Received—How Used.

Section 11. All fees and money paid to the Department of Highways as provided in this article shall, at the close of each month, be apportioned and prorated as follows: Ten per cent thereof shall be paid into state treasury and placed to the credit of the general revenue fund of the state; and ninety per cent thereof shall be paid to the treasurers of the respective counties in which the individual owners of the various motor vehicles paying such fees reside: Provided, that the county treasurer is hereby authorized and directed to pay to the treasurer of any city of the first class or operating under a charter form of government in such county, twenty-five per cent (25%) of all fees collected by such treasurer, which fees were originally paid as provided herein by residents of any such city or motor vehicles owned by such residents, and the residue shall be placed to the credit of the county road maintenance fund, which fund shall be used for the following purposes only:

First: To maintain the roads already prepared for

dragging, and in the following manner: The board of county commissioners shall divide the dragable roads into dragging districts, each district to cover only such mileage as one person can drag during the period when such work should be performed, and giving each district a district number or letter. After forming said districts, the said board shall proceed to make contracts in each of said districts for the dragging of the said roads therein. The dragging contractor in each district shall be required to give bond in the sum of fifty dollars (\$50.00) for the faithful performance of the terms and conditions of his contract, the form of the contract and the bond to be prescribed by the Department of Highways, and the said bond to be approved by the said board. The expense of dragging the roads as per contract shall be allowed and paid out of the county road maintenance fund. If after all improved roads are properly maintained, there be a surplus, such surplus may be used in the improvement or construction of new roads.

Assessment and Payment of Fees.

Section 12. The registration fees provided for in this article shall be paid and collected for the calendar year, rather than for the fiscal year, and in order to carry out the provisions of this act it is hereby made the duty of the county assessor of each county in the state to prepare a list of all motor vehicles in his said county, and to furnish said list to the Department of Highways on or before July 1st, 1915.

Immediately upon receipt of such lists of motor vehicles the Department of Highways shall proceed to register such motor vehicles, and to collect one-half the registration fee thereon, as provided herein, for the balance of the 1915 calendar year. After July 1st, 1915, no motor vehicle, as defined herein shall be taxed on an advalorem basis, and the county assessor shall not make return of any such motor vehicle in any assessment sheet after said date; provided, that after September 1, 1915, it shall be unlawful

to operate any such motor vehicle unless such motor vehicle is registered as provided herein.

ARTICLE V.

CONVICT LABOR.

Convict Labor—Tools and Housing.

Section 1. The State Board of Public Affairs and the Department of Highways are hereby authorized and required to make all necessary arrangements for working state convicts upon the public highways of this state, as soon as practicable after the passage hereof, and as continuously thereafter as the circumstances render feasible, subject to the following conditions:

(b) The state shall furnish all tools and machinery to be used by convict forces, and the State Board of Public Affairs shall furnish and supply the Department of Highways with such tools and machinery as may be authorized by the State Board of Public Affairs and the cost of such tools and machinery and draft animals shall be paid for out of the revenues appropriated for such purposes.

(b) The furnishing of tentage, housing quarters and any equipment pertaining to the custody of the prisoners shall be paid from prison funds available for the maintenance of such prisoners.

Convict Labor—Food and Guards.

Section 2. The food, clothing, cost of guarding and custody, and the necessary medical attention for convicts in road camps shall be furnished by the state in the same funds as though the convicts remained at the state prison, but a careful and complete record of the costs of doing the same shall be kept for each group or gang from the time it leaves the prison until its return thereto. Sanitary appliances, incinerators, and such equipment, shall be furnished by the state, and all sanitary regulations for convict camps shall be under the immediate charge of the State Commissioner of Health.

Transportation of Convicts for Road Work.

Section 3. The county desiring convicts to work upon the state roads must bear the cost of transporting the men, animals, tools, guards, and equipment from the prison or other location where it or they may then be to the place where the work is to be done. The county shall also furnish food for animals, board for guards and fuel and supplies for power machinery, and ordinary running repairs to the same, so long as the gang remains in their county, paying for same out of the county road and bridge fund. Metal, cement, stone or other concrete or road building materials to be used in the work projected shall be furnished by the county, unless the plan is to use the convicts for the production of the same, which plan is hereby also specifically contemplated.

Regulations for Government of Convicts on Road Work.

Section 4. The State Board of Public Affairs is hereby authorized and directed to formulate rules and regulations for the government of state convicts while working on the public roads, including "good time" allowance for good behavior and efficient service.

Transportation of Convicts for Road Work.

Section 5. The Corporation Commission shall have the power to make and enforce rates for transportation of persons and freight in connection with the working of state convicts upon the public highways of the state.

ARTICLE VI.

MISCELLANEOUS.

Section 1. The board of county commissioners may open, establish or condemn for roads on section lines and may vacate, alter, widen, change or lay out other new roads according to the following procedure:

(a) Action to locate, alter, or vacate a road may be upon a petition to the county commissioners signed by at least twelve freeholders residing in the vicinity of the road

affected. One or more of said petitioners must execute a bond, payable to the county, conditioned to pay the costs of proceedings if the petition be not granted. Said petition shall show clearly the location and terminals of the road and shall be promptly considered by the county commissioners if in proper form. But if they conclude upon investigation, that the road applied for is unnecessary and impractical, then no further proceedings shall be had, and the bond of the petitioners shall be liable for any costs accrued. Due legal notice to the public for twenty days by advertisement in the official county paper shall be given, setting forth the facts and the date when hearing will be held and the petition acted upon. A record of all said proceedings shall be made by the county clerk. One of the petitioners must give at least six days notice in writing to the owner or his legal representative (if within the county) through whose land the proposed road goes, and copies of such notice, duly served, must be filed with the county clerk before the proceedings are complete.

Or the county engineer may be designated by either side to represent all of the interests involved and proceed to locate or alter the road to the best advantage, make estimates of the cost of doing the work involved, and shall stake it out. In case the owners of the land to be taken agree in writing to the proposed location or changes, or donate the land required, then if the work can be accomplished with reasonable expense the judicial procedure of viewing may be omitted and the county commissioners may order and establish the road as a public highway, and make appropriate records thereof. The commissioners or their representatives shall determine and award the amount of damages to be paid out of the county funds, if there are any such dam-

Condemnation Petition Procedure—Indian Lands.

ages sustained by the owner of the land involved, and if such owner actually had notice of the procedure. Failing to give such notice of the procedure. Failing to give such notice to him, he may claim damages within twelve months after the location and opening of said road, but all claims

thereafter shall be barred. Any person aggrieved by the foregoing proceedings shall have the right of appeal to the district court for final review and adjudication.

(b) Wherever in those counties the amount of Indian lands or those exempt from taxation by reason of the operation of any Federal law, is thirty per cent or more of the total area of that county, then the county commissioners may, upon their own initiative, and if the public interests demand it, move to secure roads over, adjacent to, or for the benefit of all such exempted lands in the following manner: They shall call upon the State Engineer as a disinterested party to undertake and make such surveys, plans and estimates and obtain all other essential data and records as are required to make a full and complete statement and report upon the interests involved, and to make such recommendations as in the premises may seem proper. When so prepared, the Department of Highways shall then advance the matter to the Department of the Interior of the United States, or to any other federal department concerned, through its proper local representative, if there be one, with the request that the matter be considered and disposed of as speedily as possible. If the project be so approved and authorized, then the work may proceed under the special supervision and direct administration of the Department of Highways and subject to such special regulations as the circumstances seem to require.

Boundary Bridges—Necessity—Petition to County.

Section 2. Whenever the public convenience justly demands it and the need thereof shall be appropriately signified, as herein provided, then the county commissioners must proceed as follows with respect to inter-county bridges across streams serving in whole or in part as a boundary between two counties: After the presentation in the case of a bridge to cost not over one thousand dollars (\$1,000.00) a petition signed by at least fifty taxpayers of each county; to cost from one thousand dollars (\$1,000.00) to ten thousand dollars (\$10,000.00), by seventy-five tax-paying signers in each county; to cost more than ten thousand dollars

(\$10,000.00) by one hundred tax-paying signers in each county to the county commissioners, they may within one year proceed to act and construct such bridge if such levy as may be required for this purpose may be made within the constitutional limitations as to tax levies; and such petitions or actions, at whatever stage, shall bind and have equal force with the successors in office to those commissioners originally receiving it. The cost of such bridge shall be apportioned between the counties upon the basis of their total valuation, unless the Commissioners in the exercise of sound judgment shall agree to apportion it otherwise.

But the above proceeding shall not apply in the case of inter-county bridges where the total span is two hundred feet or more, including approaches thereto of timber work or any material other than earth embankment, if there is another bridge of substantially equal size and importance over the same stream within six miles of the proposed location.

Compensation—County Commissioners.

Section 3. To carry into effect the provisions of this act, with respect to road and bridge work, each county commissioner shall be allowed not to exceed forty days' pay at three dollars per day in excess of the time now provided by law for discharging their other usual and customary duties; provided, that in counties where township government has not been abolished then and in that event said commissioner shall be allowed not to exceed twenty days at three dollars per day. Each Commissioner shall supervise the general progress and advancement of road and bridge construction in his district, or so far as is necessary or desirable for him to do, beyond the necessary attention to engineering matters given to it by the County engineer. And if it seems advantageous and desirable and it is agreed to by the other members of the Board, one may devote himself more exclusively to the field supervision of road work and receive the pay and allowance that would otherwise have accrued to the County Commissioner in whose place he is acting.

County Engineer—Cost—Records.

Section 4. The County Engineer shall keep, prepare and submit cost records upon all road work in his charge in the manner and at the time required by the State Engineer, in order that the best and most economical method of doing the work may be thus ascertained and put into practice.

Township Supervisors—Appointment and Duties.

Section 5. Immediately upon the passage of this act, the county commissioners shall appoint or re-appoint supervisors to the number necessary upon the roads in the county, if the township organization has been abolished, but not to exceed one supervisor for each township. They shall make appointments solely with a view of proficiency and experience and looking towards the continuous employment of those selected. The county engineer shall train, direct and instruct the supervisors, and they must follow the plans and methods established by him. Where the township organization is retained, the overseer appointed by the township shall in a similar way be directed and instructed by the county engineer.

Narrow Tires—Prohibited Sold After 1916.

Section 6. (a) After January 1, 1917, no draft wagon of one ton capacity or greater, and having iron or steel tires, shall be permitted to be sold by a dealer in this state if its tires are less than three inches in width. (b) (Penalty.) Any person, firm, or corporation violating the provisions of this section, or failing to comply therewith, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, and each vehicle sold shall constitute a separate offense.

Obstructing or Damaging Roads.

Section 7. Any person or persons who shall wilfully or knowingly obstruct or damage any public road by obstructing the side or cross drains or ditches thereof, or by turning water upon such road or right-of-way, or by throwing or depositing Osage orange or other rush, trees, stumps, logs, or any refuse or debris whatever, in said

road or on the sides or in the ditches thereof, or by fencing across or upon the right-of-way of the same, or by planting any hedge within the lines established for such road, or by changing the location thereof, or shall obstruct said road, highway or drains in any other manner whatsoever, or any person or persons who shall wilfully or knowingly deface, damage, destroy or remove any road sign, sign board, guide sign or sign post shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars nor more than two hundred dollars, or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment. The road overseer of any district who finds any road obstructed as above specified shall notify the person violating the provisions of this section, verbally or in writing, to remove such obstruction forthwith, and if such person does not remove the obstruction within ten days after being notified, he shall pay the sum of five dollars for each and every day after the tenth day, such obstruction is maintained or permitted to remain; such fine to be recovered by suit brought by the road overseer, in the name of the road district, in any court of competent jurisdiction.

Bonds of Officers in Charge.

Section 8. The State Engineer and those of his assistants who are charged with the approval or disapproval of construction work, or of money accounts or other officers who act under the direction of the State Engineer in this respect, shall be placed under suitable bonds in amount at the discretion of the appointing officer.

Attorney General May Act—For State, County, etc.—Governor to Direct.

Section 9. The Governor, whenever he deems such action to be in the interest of the public, shall have power to direct the Attorney General to appear for and on behalf of any county, city, town or other municipality of this state or for and on behalf of any officer thereof or contractor therewith, whenever any such county, city, town or other municipality or officer or contractor is a party to any ac-

tion or proceeding in any court wherein is involved the validity of any alleged patent on any matter or thing entering into highway, bridge or culvert construction, or on any parts thereof, and may employ such legal assistance in addition to the Attorney General as he may deem necessary.

Personal Road Tax

Section 10. Section 7589 of the Revised Laws of Oklahoma 1910, is hereby amended to read as follows:

"Section 7589. Any person subject to road duty may be exempt therefrom by paying to the supervisor his road district the sum of three dollars (\$3.00) in lieu of the time he is liable to work thereon, and in that case, he shall receive a receipt therefor from the supervisor. Said supervisor shall be authorized to employ some person or persons or teams to work out such money at a rate not exceeding one dollar and fifty cents (\$1.50) per day per man or team on the roads of his district, or, failing so to do, he shall pay over all such money into the township treasury for the benefit of the road district, such money to be paid over at the first meeting of said board after the first day of January and July of each year."

Rules of the Road.

Section 11. Rule 1. Vehicles in meeting each other shall keep to the right of the center of the road.

Rule 2. All vehicles overtaking others, shall in passing keep to the left of the center of the road and shall not pull over to the right until entirely clear of the vehicle passed.

Rule 3. All vehicles turning to the right into another road shall turn the corner as near the curb as practicable.

Rule 4. All vehicles turning to the left into another road shall pass beyond the center of the intersecting road before turning.

Rule 5. All vehicles crossing from one side of the street to the other shall do so by turning to the left, so as

to go in the same direction as the traffic on each side of the street.

Rule 6. All motor vehicles before passing other vehicles from the rear shall give notice of approach by a horn or other signal before passing: Provided, that said vehicle shall be required when signalled to turn to one side and give half the road.

Rule 7. At intersecting roads or streets, vehicles approaching from the right shall have right of way over those approaching from the left. United States mail, fire apparatus, ambulances, police patrols, and vehicles of physicians when so designated, shall have right of way in any street or road and through any procession.

Rule 8. *Punishment.* Any person violating any of those rules shall upon conviction be fined in any sum not less than one dollar nor more than fifty dollars.

Section 12. Any road official shall for violation of any part of this act and if found guilty in a court of competent jurisdiction, be fined in any sum not to exceed one hundred dollars, or confined for thirty days in jail, or both, or be suspended or forfeit his office, in the discretion of the court.

Approved March 15, 1915.



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